UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION DOCKET NO. 1:15-cr-00068-MOC

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
JAMIE LYNN SWARTZ,)	
)	
Defendant.)	

THIS MATTER is before the court on defendant's Motion for Modification or Reduction of Sentence (#103). This court has previously denied a request by the defendant to reduce her sentence (# 102).

The court has reviewed the instant <u>pro</u> <u>se</u> Motion. In the Motion, the defendant argues that there have been intervening post-conviction changes in the Sentencing Guidelines that would effectively lower the term of her imprisonment. The court finds no such intervening changes.

The defendant was sentenced in March 2016 to seventy (70) months of incarceration. The defendant contends that a post-sentencing change of the Sentencing Guidelines bears upon her sentencing. In support of her position, the defendant cites to a 2007 action by the U.S. Sentencing Commission; a 2003 Eleventh Circuit decision; the 2005 <u>United States v. Booker</u> decision of the U.S. Supreme Court, and a 2007 decision of the Ninth Circuit. The items cited by plaintiff do not amount to a post-sentencing change, as they occurred before the March 2016

sentencing date. Accordingly, the court finds that there has not been an intervening postsentencing change that would have affected the defendant's sentence of imprisonment.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion for Modification or Reduction of Sentence (#103) is **DENIED.**

Signed: September 29, 2016

Max O. Cogburn Jr United States District Judge